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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/150,010	09/09/1998	TORU MATAMA	1110-0202P	5773

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EXAMINER
NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 04/23/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/150,010	MATAMA, TORU	
	Examiner	Art Unit	
	LUONG T NGUYEN	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 February 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2/03/2003 have been fully considered but they are not persuasive.

In re page 6, Applicant argues that Okamoto fails to teach or suggest setting image processing conditions based on the at least one principal part of the image designated as set forth in independent claim 1.

In response, the Examiner disagrees, regarding claim 1, Applicant amended claim 1 with the claimed limitation "setting means for setting image processing conditions in accordance with information about said at least one principal part of the image designated by said designating means." The Examiner considers that claim 1 as amended still do not distinguish from Okamoto patent. Okamoto discloses scanner 12 comprises CPU 48 which serves as comparing means for comparing processed image data with the target processed data, and correcting circuit 56 for carrying out the correction of image processing conditions (figure 1, column 3, lines 45-60). In addition, Okamoto also disclose scanner 12 can automatically set the part of the image processing conditions according to fuzzy inference rules (column 5, lines 20-48). It is clearly that Okamoto do disclose a "means-plus-function" clause recited as "setting means for setting image processing conditions in accordance with information about said at least one principal part of the image designated by said designating means".

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 12, 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Okamoto (US 5,475,509).

Regarding claim 1, Okamoto discloses an image processing apparatus comprising means for receiving image data (scanner 10, figures 1-2, column 3, lines 1-13); image processing means for performing necessary image processing (image processing circuit 58, figure 1, column 3, line 55-60); display means (display unit 72, figure 1, column 4, lines 5-10); designating means for designating at least one principle part of the image displayed (specifying means, column 2, lines 1-4); setting means for setting image processing conditions in accordance with information about said at least one principal part of the image designated by said designating means (apparatus for setting image processing conditions under with the image is adjusted in accordance with specified optimum finishing requirements, column 1, lines 47-50; column 3, lines 45-60; column 5, lines 20-48); wherein said image processing means performs said necessary image processing under said image processing conditions set by said setting means (column 2, lines 15-23; column 3, lines 55-58).

Regarding claim 2, Okamoto discloses a mouse or a key board (mouse 76 or keyboard 74, figure 1, column 4, line 9).

Regarding claim 12, Okamoto discloses wherein said display means is of a type that also displays said at least on principal part designated by said designating means (figure 5) which further includes modifying means (finishing requirements, figure 5, column 6, lines 50-62).

Regarding claim 17, Okamoto discloses wherein said image processing means performs at least one of image processing selected from the group consisting of sharpness enhancement, dodging, contrast correction and color modification as necessary image processing (sharpness enhancement, column 5, lines 1-5).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 3-5, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto (US 5,475,509) in view of Ejima (US 6,188,432).

Regarding claim 3, Okamoto fails to specifically disclose a light pen and said display means is a display for inputting with said light pen. However, Ejima discloses an information processing apparatus which includes a light pen 46 and touch tablet 6A (figure 4, column 4, lines 64-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the device in Okamoto by the teaching of Ejima in order to make it easy for the user to edit the image displayed on the display.

Regarding claim 4, Okamoto fails to specifically disclose a touch panel. However, Ejima discloses an information processing apparatus which includes touch tablet 6A (figure 4, column 4, lines 64-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Okamoto by the teaching of Ejima in order to make it easy for the user to edit the image displayed on the display.

Regarding claim 5, Okamoto fails to specifically disclose means for obtaining shooting information of camera corresponding to said image data supplied from said source of image data supply. However, Ejima discloses an information processing apparatus in which date and time (shooting information) of recording image is recorded and displayed with thumbnail 52 (figure 5, column 8, lines 35-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Okamoto by the teaching of Ejima in order to let the user easier to select an image to reproduce.

Regarding claim 7, Okamoto discloses said setting means sets the image processing conditions in accordance with a region containing said at least one principal part (figure 5, column 2, lines 14-23). Okamoto fails to specifically disclose a point designating means and extracting means. However, Ejima discloses an information processing apparatus which includes a light pen 46 (point designating means, figure 4, column 4, lines 64-67). In addition,

Ejima discloses that a particular individual (Mr. Yamada in figure 9A) is specified and enlarged and displayed on the LCD 6 (extracting means, figure 9B, column 10, lines 9-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Okamoto by the teaching of Ejima in order to make it easy for the user to edit the image displayed on the display.

6. Claims 6, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto (US 5,475,509) in view of Hutchinson (US 4,973,149).

Regarding claim 6, Okamoto fails to specifically disclose wherein said designating means comprises means for inputting a position of at least one point of said image displayed by said display means by an operator's line of vision. However, Hutchinson discloses a system for eye movement detection in which by using eye gaze alone, the system allow the user to select certain tasks from a menu on a screen (figure 1, column 2, lines 24-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Okamoto by the teaching of Hutchinson in order to permit activation of selecting tasks from a display with the selection being made by eye gaze directed at a set of display driven menus in the form of icons (column 2, lines 54-60). This let the user can work by hand on other task at the same time.

Regarding claim 11, Okamoto discloses wherein said setting means sets the image processing conditions in accordance with the thus designated at least one region (column 1, lines 45-50). Okamoto fails to specifically disclose wherein said display means is of a type that

displays that it is divided into plurality of regions and said designating is of a type that designates at least one of the thus divided plurality of regions. However, Hutchinson discloses a system for eye movement detection in which includes display 18 (figure 1, column 7, lines 30-34), and by using eye gaze alone, the system allow the user to select certain tasks from a menu on a screen (figure 1, column 2, lines 24-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Okamoto by the teaching of Hutchinson in order to permit activation of selecting tasks from a display with the selection being made by eye gaze directed at a set of display driven menus in the form of icons (column 2, lines 54-60). This let the user can work by hand on other task at the same time.

7. Claims 8-9, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto (US 5,475,509) in view of Nakamura (JP 407074943).

Regarding claim 8, Okamoto fails to specifically disclose wherein said extracting means automatically extracts a region containing said at least one principal part in view of image continuity in accordance with an information about at least one point in said at least one principal part designated by a point designating means. However, Nakamura discloses an image forming device which includes extracting part 107 which extracts an image area based upon the existence of continuity of the image in the image area (See Constitution). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Okamoto by the teaching of Nakamura in order to shorten the processing time of the original (Constitution).

Regarding claim 9, Okamoto discloses wherein said at least one principal part of said image comprises a plurality of principal parts (figure 5, regions of click points +) and a point designating means is of a type that designates one point in one of said plurality of principal parts (plurality of regions is extracted by mouse 76 as recognized by click points +, as shown in figure 5).

Okamoto fails to specifically disclose wherein extracting means automatically extracts at least one other principal part in said plurality of principal parts based on an information about said one point in said at one principal part designated by said point designating means. However, Nakamura discloses an image forming device which includes extracting part 107 which extracts an image area based upon the existence of continuity of the image in the image area (See Constitution). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Okamoto by the teaching of Nakamura in order to shorten the processing time of the original (Constitution).

Regarding claims 14, 15, Okamoto discloses wherein said display means is of a type that also displays the region of said at least one principal part automatically extracted be extract means (a picture which is divided into plurality of regions, each of plurality of regions is extracted as recognized by click points +, as shown in figure 5) and modifying means (finishing requirements, figure 5, column 6, lines 50-62).

8. Claims 10, 13, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto (US 5,475,509) in view of Ejima (US 6,188,432) further in view of Nakamura (JP 407074943).

Regarding claim 10, Okamoto fails to specifically disclose wherein extracting means automatically extracts a region containing the thus designated one principal part and a region containing at least one other principal part in view of image continuity based on an information about one point in said one principal part designated by a point designating means. However, Nakamura discloses an image forming device which includes extracting part 107 which extracts an image area based upon the existence of continuity of the image in the image area (See Constitution). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Okamoto by the teaching of Nakamura in order to shorten the processing time of the original (Constitution).

Regarding claims 13, 16, Okamoto discloses wherein said display means is of a type that displays at least one of the region containing the thus designated one principal part and the region containing at least one other principal part in said plurality of principal parts (a picture which is divided into plurality of regions as recognized by click points +, as shown in figure 5) and modifying means (finishing requirements, figure 5, column 6, lines 50-62).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Luong Nguyen** whose telephone number is **(703) 308-9297.** If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on **(703) 305-4929.**

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:
(703) 872 - 9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

LN LN
4/20/2003

NGOC-YEN VU
PRIMARY EXAMINER